## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN O'BOYLE,

Case No.

Plaintiff,

:

v.

:

PORTFOLIO RECOVERY ASSOCIATES,

:

Defendant.

## **NOTICE OF REMOVAL**

To: Clerk – United States District Court for the Middle District of Pennsylvania

**PLEASE TAKE NOTICE THAT** on this date, Defendant Portfolio Recovery Associates hereby removes the above-captioned matter to this Court from the Court of Common Pleas of Lackawanna County, and in support thereof avers as follows:

1. Portfolio Recovery Associates is a defendant in a civil class action originally filed on or about July 23, 2018, in the Court of Common Pleas of Lackawanna County, titled *Brian O'Boyle v. Portfolio Recovery Associates*, and docketed to case number 18-CV-4002.

- 2. This removal is timely under 28 U.S.C. § 1446(b). Defendant first received a copy of Plaintiff's Complaint by certified mail on August 3, 2018.
- 3. Pursuant to 28 U.S.C. § 1446, attached hereto as Exhibit A are copies of all process, pleadings and orders received by Defendant in the state court action.
- 4. The United States District Court for the Middle District of Pennsylvania has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that Plaintiff has filed claims against Defendant alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.
- 5. On this date, Defendant has provided notice of this removal to all parties and to the Court of Common Pleas of Lackawanna County, Pennsylvania.

WHEREFORE, Defendant removes this case to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

MESSER STRICKLER, LTD.

By: /s/ Lauren M. Burnette

LAUREN M. BURNETTE, ESQUIRE

PA I.D. No. 92412

450-106 State Road 13 N.

Suite 326

St. Johns, FL 32259

(904) 201-9120

lburnette@messerstrickler.com

Counsel for Defendant

Dated: August 27, 2018

## **CERTIFICATE OF SERVICE**

I certify that on August 27, 2018, a true copy of the foregoing document was served as follows:

By Electronic Filing and
By Email to
joesucec@comcast.net
Joseph T. Sucec, Esquire
Po Box 317
Grantham, PA 17027

By Electronic Filing
Court of Common Pleas
Lackawanna County
Brooks Building
436 Spruce St.
Scranton, PA 18503

## MESSER STRICKLER, LTD.

By: /s/ Lauren M. Burnette
LAUREN M. BURNETTE, ESQUIRE
PA I.D. No. 92412
450-106 State Road 13 N., Suite 326
St. Johns, FL 32259
(904) 201-9120
lburnette@messerstrickler.com
Counsel for Defendant

Date: August 27, 2018